



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE  
400 FERNANDEZ JUNCOS AVENUE  
SAN JUAN, PUERTO RICO 00901-3299

REPLY TO  
ATTENTION OF

Antilles Regulatory Section

## PUBLIC NOTICE

Permit Application No. SAJ-1989-57096 (IP-JR) **OCT 07 2004**  
(JPA#510)

**TO WHOM IT MAY CONCERN:** This District has received an after-the-fact application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act of 1977, and Section 10 of the Rivers and Harbors Act of 1899, as described below:

**APPLICANT:** Mr. Edwin D. Martínez  
P.O. Box 494  
Vega Baja, Puerto Rico 00694

**WATERWAY & LOCATION:** The proposed project is located at State Road PR-250, km. 1.8, Ensenada del Coronel, in Ensenada Honda, Culebra Island, Puerto Rico.

**LATITUDE AND LONGITUDE:** Lat. 18°18'69" N., Lon. 65°17'42" W.

**WORK & PURPOSE:** The applicant proposes to legalize the discharge of fill material (construction of a concrete car-roadway) through a mangrove swamp to access a pier from a private residence (a trailer and wooden structure), also within the mangrove swamp. Additionally, a proposal is made to legalize the fill pad expansion where the residence is located. The length of the existing pier that is longer than what originally existed is part of the proposal to be legalized.

**BASIC PURPOSE:** Access to the sea, and to expand the house serviceable space.

**OVERALL PURPOSE:** To easily access by car several boats docked at the pier and to increase the usable space of the residence to accommodate more people.

**EXISTING CONDITIONS:** This part of Ensenada del Coronel has a wide mangrove fringe along the coast. On June 23, 1989, Department of the Army permit 89LP-50096 was issued to Mr. Miguel Miró, former owner of the structure, because what existed, was considered to be constructed prior to 1977. After Hurricane Hugo in 1989, a Nationwide Permit number 89NW50100 was issued to repair the structure. According to the Culebra Island inventory, the ID assigned was DZ-4. At that time, a narrow dirt access to the pier with a square concrete pad close to it, and a trailer over a smaller fill pad adjacent to the public road is what existed and considered grandfather.

**ENDANGERED SPECIES:** Culebra Island has been recently designated as Critical Habitat for the Endangered Hawksbill and Green Sea Turtles. The U.S. Fish and Wildlife Service (USFWS) have designated the Island's seagrasses as Resource

Category I, and as critical foraging habitat for green sea turtles. The U.S. Army Corps of Engineers has determined that the proposed project would not affect these species, neither their critical habitat. This completes coordination under Section 7 of the Endangered Species Act with the USFWS and the National Marine Fisheries Service.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project has a direct impact to the mangroves habitat because of the space occupied by the fill. It is not known if this part of the cove support seagrasses. If so, the shadow cast by the pier and the boats docked at the site may have an effect on seagrasses. The mangroves swamp and the seagrasses, if any, are utilized by life stages of some of the 17 managed marine species that may inhabit the area. It is the Corps initial determination that the proposed project, would have substantial adverse impact on EFH, or Federally managed fisheries in Ensenada Honda. Our final determination relative to the project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**HISTORIC and CULTURAL RESOURCES:** The Corps is not aware of any historic properties within the area of the proposed project. Pursuant to 36 CFR Part 800, the Corps is requesting the State Historic Preservation Office (SHPO) and the interested public to provide advise, assistance, and/or any information that will assist the Corps in the identification of historic properties. Information received in response to this Public Notice will be utilized by the Corps to take the necessary steps to identify historic properties, assess potential effects, and make the appropriate determinations pursuant to 36 CFR Part 800.

**AUTHORIZATION FROM OTHER AGENCIES:** A Coastal Zone Management Consistency Certification from the Puerto Rico Planning Board is required. A Water Quality Certificate from the Puerto Rico Environmental Quality Board is required.

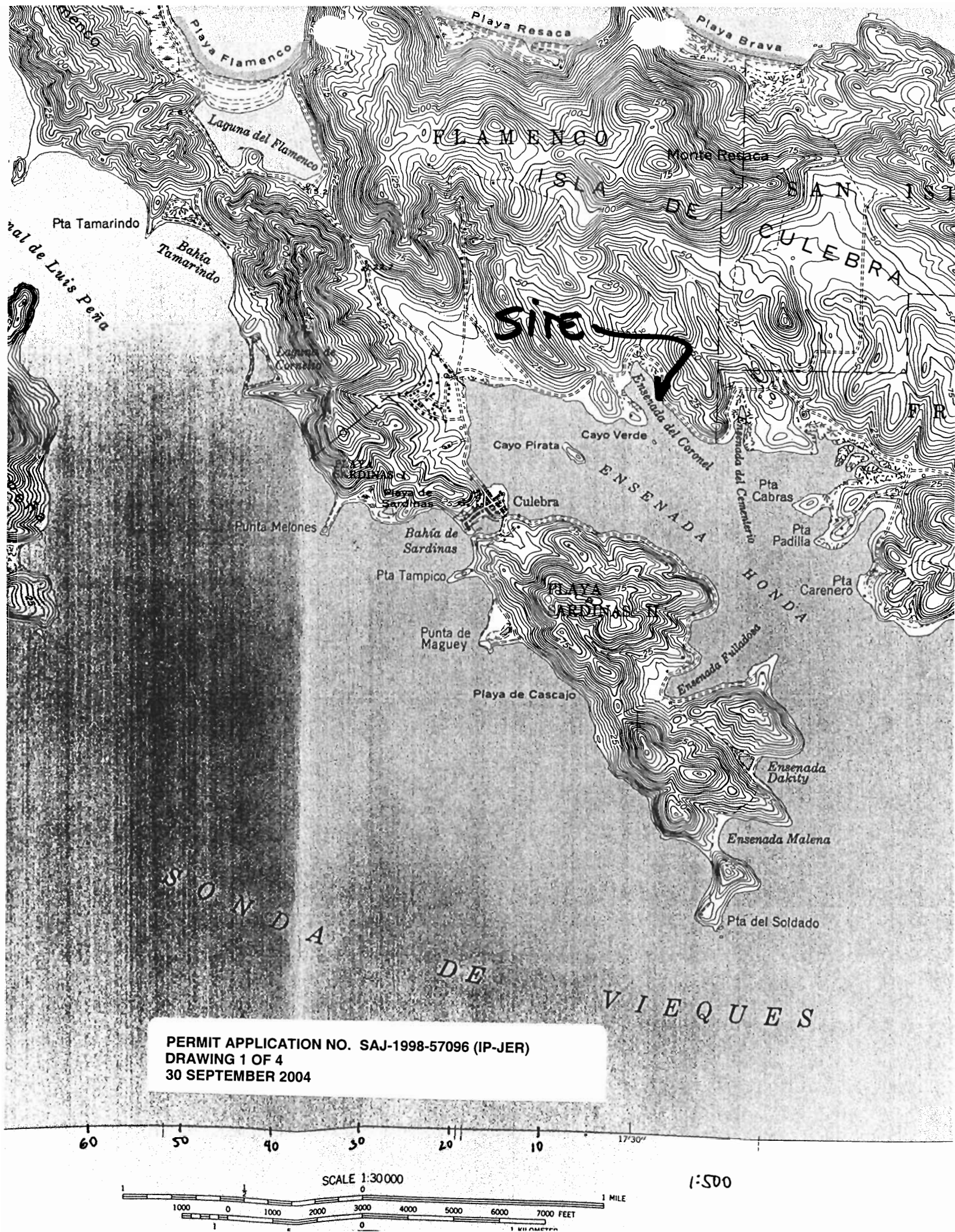
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

Comments regarding the application should be submitted in writing within 30 days from the date of this notice to:

Chief Antilles Regulatory Section  
U.S. Army Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

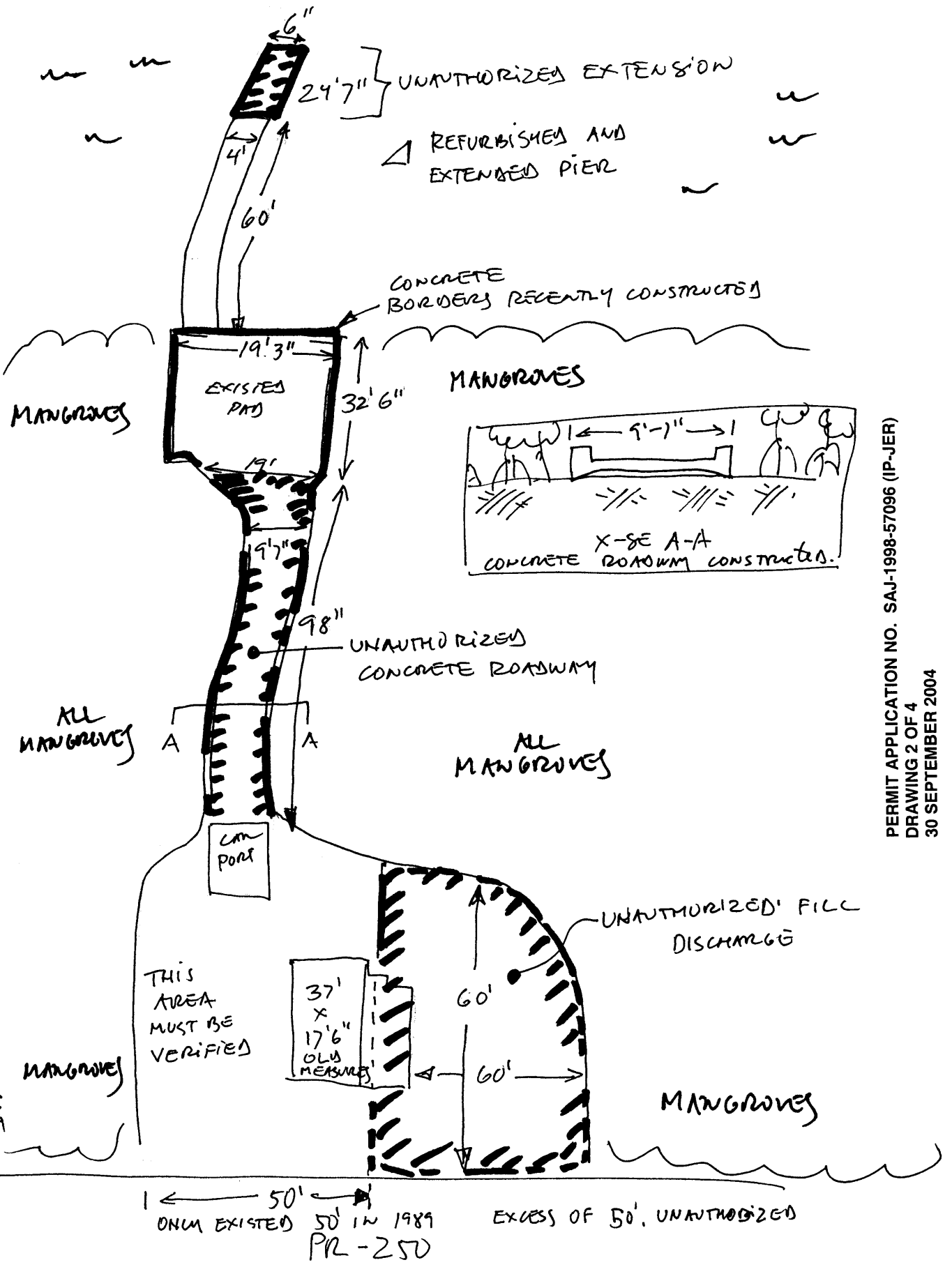
Please reference application number in your correspondence. If you have any questions concerning this application, you may contact Mr. José E. Rosario of this office by E-mail at [jose.e.rosario-fabregas@saj02.usace.army.mil](mailto:jose.e.rosario-fabregas@saj02.usace.army.mil), or by telephone at 787-729-6905/6944, extension 3061.

ADDITIONAL INFORMATION: After reviewing all available information pertaining to the completed work, the Department of the Army has declined prosecution at this time, conditioned upon the responsible party applying for obtaining an after-the-fact permit. Final determination regarding legal action will be made after review of the project through the permit procedure.



MR. EDWIN D. MARINEZ  
PROPERTY  
STRUCTURE DZ-4  
INSPECTION ON JULY 29, 03

DRAWING MADE ACCORDING TO WHAT  
VERIFIED IN THE FIELD & RECORD  
INFORMATION AND DRAWINGS.  
BY J. ROSARIO

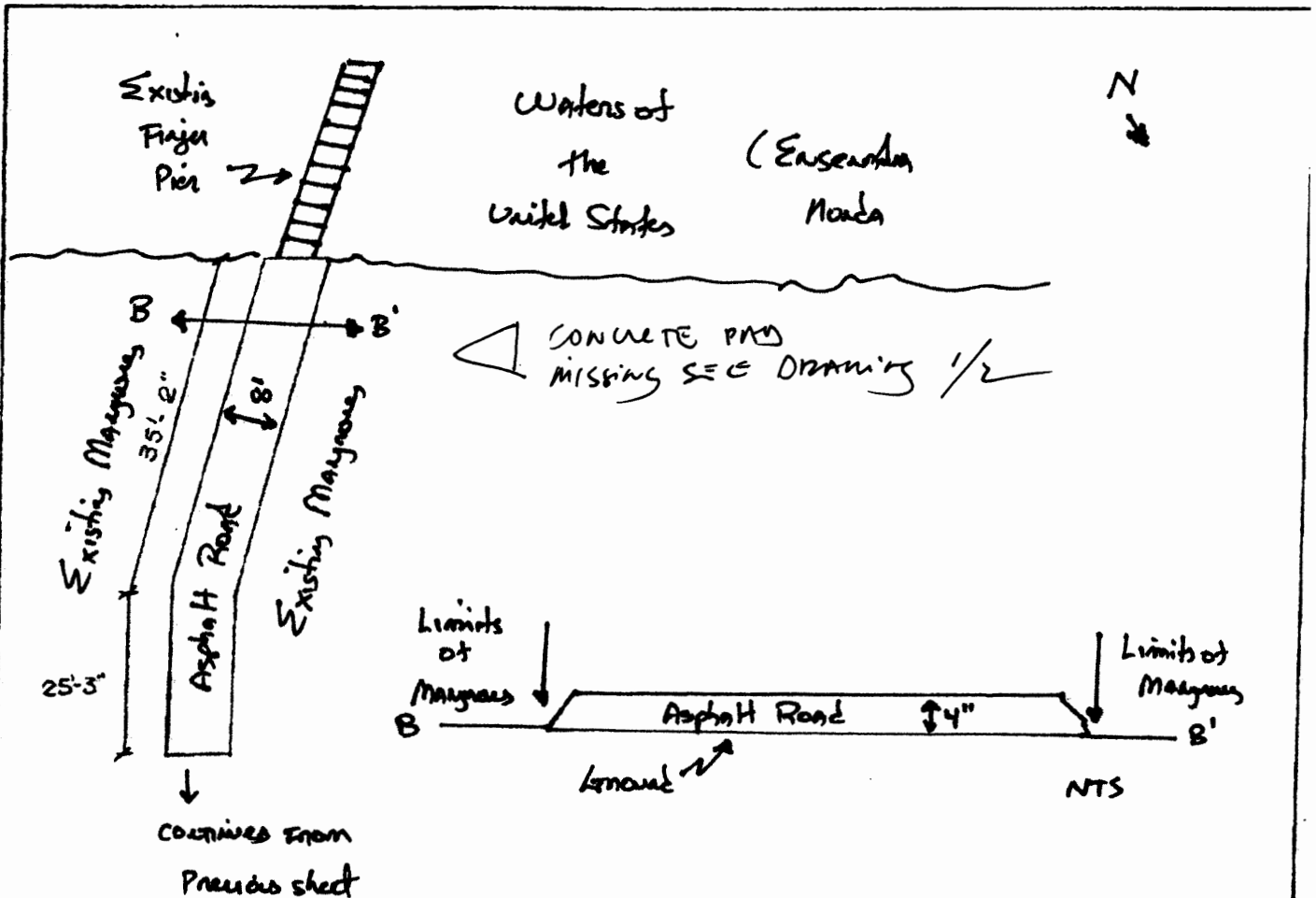


PERMIT APPLICATION NO. SAJ-1998-57096 (IP-JER)  
DRAWING 2 OF 4  
30 SEPTEMBER 2004



**E.D. MARTINEZ, INC.**  
P.O. Box 494  
VEGA BAJA, PR 00694  
(787) 858-2769

JOB \_\_\_\_\_  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_



**NOTE:**  
**DRAWINGS PROVIDED BY APPLICANT**  
**THEY DO NOT COMPLETELY SHOW WHAT IS**  
**EXISTING**

PERMIT APPLICATION NO. SAJ-1998-57096 (IP-JER)  
DRAWING 3 OF 4  
30 SEPTEMBER 2004

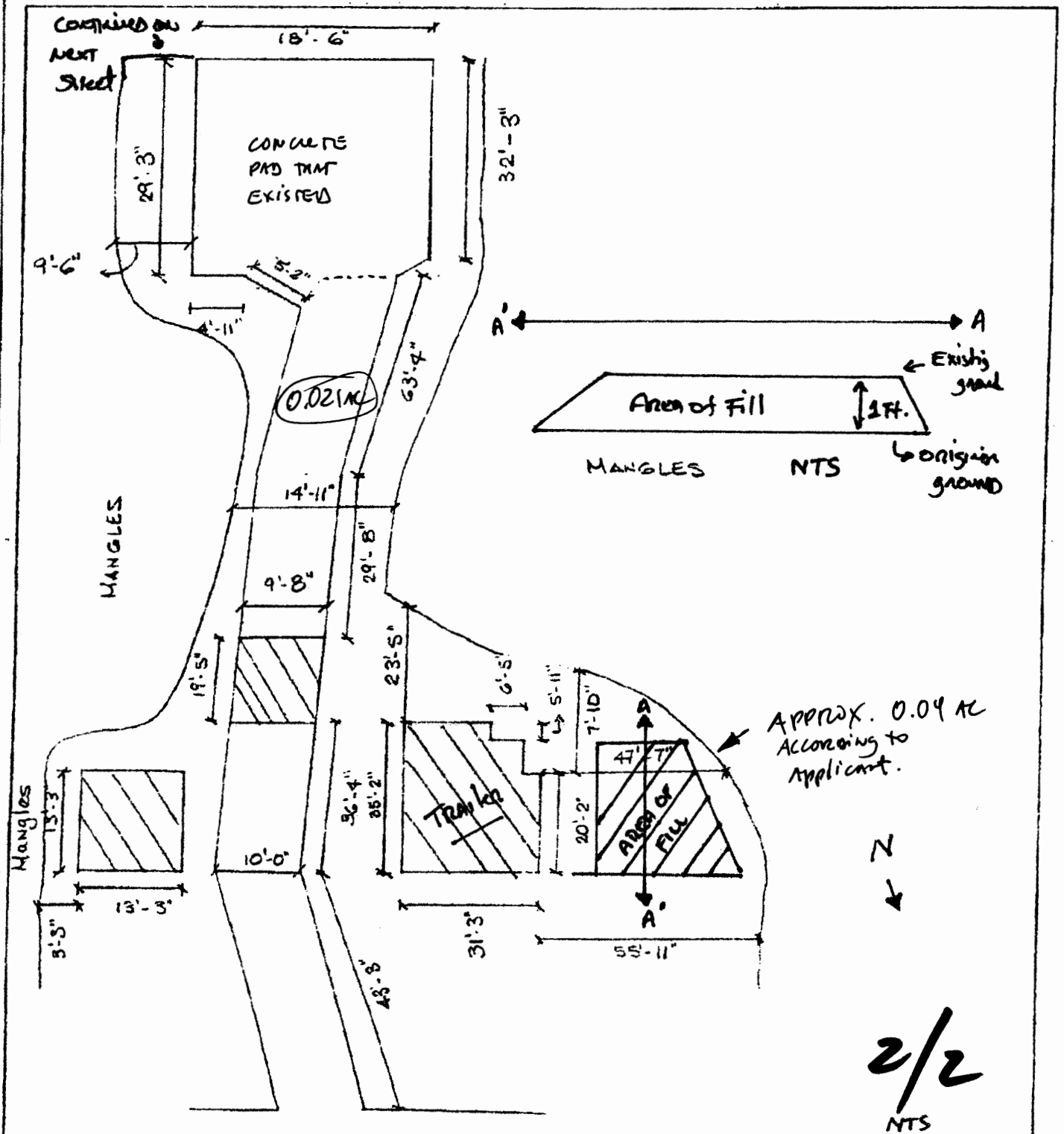
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PERMIT APPLICATION NO. SAJ-1998-57096 (IP-JER)  
DRAWING 4 OF 4  
30 SEPTEMBER 2004

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**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division